

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No.: 3:18-cv-197-RJC**

<b>BRUCE RHYNE and JANICE RHYNE,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>UNITED STATES STEEL</b>	)	
<b>CORPORATION, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**PLAINTIFFS' STATEMENT OF THE EDUCATION, EXPERIENCE, AND  
QUALIFICATIONS OF THEIR EXPERT WITNESSES FOR TRIAL**

Plaintiffs, Bruce and Janice Rhyne, through counsel, pursuant to the Court's January 16, 2020 Amended Pretrial Order and Case Management Plan (Doc. 159, p. 6), respectfully submit their statement of the education, experience, and qualifications of their expert witnesses for trial.

Below, Plaintiffs provide a statement of the education, experience, and qualifications of each expert witness. *See* Order, Doc. 159, p. 6 ("No later than the morning of the first day of trial, counsel for each party shall file with the Clerk of Court ... [a] statement of the education, experience, and qualifications of each expert witness, unless the parties have stipulated to the qualifications of each expert witness.").

1. **Andrew Verzilli, M.B.A.**: Mr. Verzilli is a damages and economic loss expert. He earned his Bachelor's Degree in Business Administration, with a major in economics and management of information systems, from Drexel University in Philadelphia, Pennsylvania, in 1988. He then earned a Master's Degree in Business Administration from LaSalle University in Philadelphia in 1991. As noted in his curriculum vitae (copy attached at **Exhibit 1**), he has

published in the area of economics and, most relevant here, individual earning capacity. Likewise noted is his extensive teaching experience and expert testimony given in myriad federal and state jurisdictions around the country on economic-related topics. He has experience in preparing economic reports involving personal earning capacity estimates for litigation in various jurisdictions. He is a member of the National Association of Forensic Economics and the American Economic Association. Further information is found in his CV, attached.

2. **Peter Infante:** Dr. Infante is an epidemiologist and public health scientist with over 45 years' experience researching the toxicity and carcinogenicity of benzene specifically and determining the cancer risk of exposure to chemicals. As evidenced in his Curriculum Vitae (copy attached at **Exhibit 2**), Dr. Infante served for several years as an epidemiologist and health scientist for the National Institute of Occupational Safety and Health ("NIOSH"). During his career, he has conducted epidemiological studies of workers exposed to substances including benzene, beryllium, vinyl chloride and pesticides. *E.g.*, CV at pp. 4, 6, 10, 12-20, 22-24, 26-28, 30 (benzene references in his CV). For 24 years, Dr. Infante was employed by the OSHA's headquarters. For five of these years, he was Director of the Office of Carcinogen Identification and Classification. This office had the agency responsibility for determining the degree of evidence for cancer-causing substances found in the workplace. These determinations were based on a review of epidemiological, toxicological, industrial hygiene and experimental studies related to cancer causation. For 19 years, he was the Director of the Office of Standards Review. During this time, he played a major role in determining the cancer risk to workers during the development of standards for a number of toxins in the workplace, including asbestos, arsenic, benzene, cadmium, MDA, ethylene oxide and formaldehyde. Dr. Infante also did quantitative cancer risk assessments

that were relied upon by the agency in determining the promulgation of permissible exposure levels (“PELs”) in workplaces.

He received a Special Commendation from the United States Public Health Service, Centers for Disease Control (“CDC”), NIOSH, for his contribution toward the understanding of the toxicology of benzene. He was the lead investigator on the seminal epidemiological study of benzene-exposed workers (the Pliofilm study) published in the Lancet in 1977 (Infante et al. 1977, see CV p. 10), which was the major stimulus for OSHA issuing an Emergency Temporary Standard (“ETS”) in 1977, reducing the PEL for benzene in the workplace. A benzene quantitative risk assessment published with co-workers in 1982 (White, Infante and Chu, 1982 – cited at CV p. 13) was the major stimulus for OSHA to issue a new proposed benzene standard in 1985.

Dr. Infante has published over 25 scientific articles related specifically to benzene exposure and the risk of developing leukemia, multiple myeloma and other benzene-related diseases. He has lectured world-wide on the subject of benzene and hematopoietic cancers and blood diseases. In 1993, Dr. Infante was invited by the International Agency for Research on Cancer (“IARC”) to participate in an IARC Meeting of European Investigators held in Lyon, France, in order to evaluate the epidemiological methodology to be used determine Cancer Risk Among Service Station Attendants and Related Occupations. He has served as an epidemiologist on other IARC expert working groups as well. Dr. Infante consulted for the National Cancer Institute (“NCI”) in order to review the study results from their investigations of benzene-exposed workers in China. He has also served on committees that have reviewed epidemiological study protocols and methodology for studies the NCI has carried out in the occupational setting.

Dr. Infante served as an expert consultant in epidemiology for the National Toxicology Program’s (“NTP”) Report on Carcinogens in order to evaluate the cancer risk of styrene exposure

(vinyl benzene) to workers. He has served as an expert epidemiologist on Working Groups, evaluating benzene, for the IARC, which is the expert committee on causes of cancer for the World Health Organization. Dr. Infante served on the EPA Science Advisory Board for Ethylene Oxide, helping to develop an estimate of cancer risks to humans from exposure to ethylene oxide. Dr. Infante taught epidemiology as an Adjunct Professor, and Professorial Lecturer, of Environmental and Occupational Health at the George Washington University, School of Public Health and Health Services in Washington, D.C.

For further information, see his CV, attached. Copies of his report and supplemental report have previously been filed, e.g. at Docs. 126-6, 126-8, as well as demonstrative materials, e.g. Doc. 186-3 (slides).

The Court entered an Order regarding the *Daubert* motions as to Dr. Infante at Doc. 249, see pp. 19-21 (allowing testimony on general causation; excluding as to specific causation). Dr. Infante is qualified to testify regarding general causation as related in the order, as well as the other areas discussed in his report materials, except to the extent limited by the Court's Order.

3. **Robert Harrison, M.D.**: Dr. Robert Harrison is Plaintiffs' occupational health medical expert. Dr. Harrison is a Clinical Professor of Medicine at the University of California at San Francisco, and licensed to practice medicine in the State of California. As evidenced in his Curriculum Vitae (attached as **Exhibit 3**), Dr. Harrison is board certified in both occupational medicine and internal medicine. He is a member of multiple professional organizations. He has served on numerous boards, committees and panels related to occupational medicine and toxicology. He currently serves on the NIOSH Board of Scientific Counselors and on the World Trade Center Scientific and Technical Advisory Committee. He has consulted with patients who have AML as a physician and internal medicine specialist. He has evaluated the cause of patients'

occupational diseases and has prepared reports concluding that AML in workers were caused by occupational exposure to benzene and benzene-containing solvents.

He is also Visiting Professor in the School of Public Health at the University of California at Berkeley, and serves as Chief of the Occupational Health Surveillance and Evaluation Program of the California Department of Public Health. His current responsibilities include Attending Physician for the Occupational Health Services at the University of California at San Francisco, Attending Physician for the Blood Borne Pathogen Program at the University of California at San Francisco, and Director of the Occupational Health Internship Program of the Association of Occupational and Environmental Clinics.

For further information, see his CV, attached. A transcript of his deposition dated October 18, 2019, was previously filed at Doc. 194-3. A copy of his report dated October 2, 2017 was previously filed, e.g. at Doc. 126-11; see also his supplemental letter report dated October 17, 2019, filed at Doc. 126-13.

Dr. Harrison is qualified to testify as to general causation and specific causation. The Court entered an Order regarding the *Daubert* motions as to Dr. Harrison at Doc. 249, see pp. 21-28.

4. **Robert Herrick, C.I.H.:** Dr. Herrick is a Certified Industrial Hygienist and Fellow of the American Industrial Hygiene Association. He has more than 45 years' experience as an industrial hygienist. As evidenced in his Curriculum Vitae (previously filed at Doc. 212-3; see copy filed herewith as **Exhibit 4**), He was employed an industrial hygienist by the U.S. Army from 1973 to 1976 and the National Institute for Occupational Safety and Health from 1977 to 1994, where he conducted workplace air monitoring and exposure assessments, including to solvents and mineral spirits used by mechanics for cleaning parts, and established recommendations for workplace exposure safety. He conducted industry wide surveys for benzene exposure and

presented on the retrospective exposure assessments used for the NIOSH Pliofilm benzene epidemiology study. He held the positions of Chief of Industrial Hygiene for the Industry-Wide Studies Branch of NIOSH, Assistant Chief of the Industry-Wide Studies Branch, and Associate Director for Science the Acting Deputy Director.

Dr. Herrick taught industrial hygiene at the Harvard University School of Public Health from 1994 - 2018 and the University of Cincinnati from 1989 - 1994. His teaching and academic research at Harvard focused on exposure assessment and its interface with epidemiology. He was selected as an expert reviewer for a large series of petroleum industry funded benzene exposure assessment and epidemiology studies in order to provide consulting for the design and conduct of the retrospective exposure assessments.

For additional information, see his CV, attached; his deposition dated November 6, 2019, the transcript of which was previously filed at Doc. 201-3. His expert report dated September 17, 2019 was previously filed e.g. at Doc. 126-4. A declaration by Dr. Herrick with additional substantive information was filed at Doc. 212-1. Dr. Herrick is qualified to testify regarding Mr. Rhyne's level of exposure to benzene, and the other areas discussed in his report. The Court entered an Order regarding the *Daubert* motions as to Dr. Herrick at Doc. 249, see pp. 35-50.

5. **NOTE:** The Plaintiffs may call one or more of Mr. Rhyne's treating medical physicians to testify at the trial. While they are not specially retained expert witnesses, their testimony may of necessity include medical opinions. Plaintiffs have listed such treating providers in their witness list disclosure to the Defendants.

Dated: September 15, 2020

Respectfully Submitted,

/s/Mark Doby

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was served by e-filing via the Western District of North Carolina's e-Filing Portal to all counsel of record on September 15, 2020

Dated: September 15, 2020

/s/Mark Doby

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**EXHIBITS**

1. Verzilli CV
2. Infante CV
3. Harrison CV
4. Herrick CV